

**PORT OF IBERIA DISTRICT
BOARD OF COMMISSIONERS
SPECIAL MEETING – THURSDAY, MAY 31, 2018
PORT ADMINISTRATIVE OFFICE – 5:30 P.M.
MINUTES**

The special meeting of the Port of Iberia District Board of Commissioners was called to order by Commissioner Roy A. Pontiff, Board President, at the Port of Iberia Administrative Office, on Thursday, May 31, 2018, at 5:30 P.M.

In attendance were Commissioners Roy A. Pontiff, President, Elbridge "Smitty" Smith, III, Vice-President, Mark Dore', Danny J. David, Sr., Larry G. Rader and Gene L. Jefferies.

Commissioner Simieon d. Theodile, Secretary-Treasurer was absent.

Also present were Craig Romero, Executive Director, Joanna Durke, Administrative Assistant, Tracy Domingue, Bookkeeper-Secretary, Brandi Landry, Receptionist-Secretary, and Ray Allain, Port Attorney.

Thus, with a quorum being acknowledged, Commissioner Mark Dore' recited the opening prayer and the Pledge of Allegiance.

I. DISCUSS/CONSIDER ADOPTING A RESOLUTION REQUESTING A LEGAL OPINION FROM THE STATE OF LOUISIANA ATTORNEY GENERAL'S OFFICE REGARDING CLEARING TREES WITHIN A PUBLICLY RECORDED RIGHT-OF-WAY.

Executive Director Craig Romero presented the Board with a slide show of pictures that caused the Port to request the Parish's assistance to remove some trees. A forklift at Custom Compression flipped in a canal. The operator had to avoid the trees while driving causing him to flip in the canal. The Parish has been requested to remove a total of five (5) trees. Iberia Parish President Mr. Larry Richard went out and looked at the trees. Executive Director Craig Romero stated Mr. Larry Richard was trying to get the trees removed but there was an opinion given that stated the Parish could not remove the trees. Commissioner Mark Dore' questioned whether the property is the Port's property or private property. Executive Director Craig Romero stated it is not Port property but it is a Parish drainage canal. The opinion given to the Parish President states that the Parish cannot remove the trees because the trees have nothing to do with the drainage. Commissioner Larry Rader questioned if the opinion from the Attorney General will force

the Parish to remove the trees. Executive Director Craig Romero stated the opinion just explains what the law is. Commissioner Larry Rader stated his biggest concern is maintaining a positive relationship with the Parish because they have been good to the Port and he wants to make sure the Port continues the positive relationship with them. Commissioner Danny David, Sr. questioned what kind of liability exposure that the Parish faces with an incident like this happening already allegedly because of the trees and the trees aren't removed and the incident happens again and that time causing someones death. He stated that as a tax payer, there is some concern for the liability there to be considered. Lengthy discussion ensued.

A motion was made by Commissioner Larry Rader, seconded by Commissioner Gene L. Jefferies to adopt the following:

**RESOLUTION
PORT OF IBERIA DISTRICT
BOARD OF COMMISSIONERS**

WHEREAS, the Port of Iberia District is a political subdivision of the State of Louisiana, created under the provisions of Act 128 of 1938; and

WHEREAS, the Port of Iberia District Board of Commissioners duly convened at a Special meeting held on May 31, 2018; and

WHEREAS, the Port of Iberia District was recently made aware that a large forklift had slid off the roadway (at the Port of Iberia) that straddles a public drainage canal and landed upside down in the canal with the forklift operator entrapped in the cab; and

WHEREAS, two (2) nearby workers jumped in the canal and rescued the forklift operator by breaking the door open; and

WHEREAS, the operator was transported by ambulance to a local hospital and later released; and

WHEREAS, the roadway on which the forklift was traveling is right up against the Public drainage channel and the reason the forklift went into the canal is because there are a few large trees that are right up against the opposite side of the roadway; and

WHEREAS, there is a 125 ft public easement recorded in the Iberia Parish Courthouse that was granted by adjacent landowners many years ago as it is a major drainage outlet in Iberia Parish, and the large trees are well within the 125 ft public Right-of-Way; and

WHEREAS, the large trees need to be removed because of the imminent hazard and dangerous condition that they present to local businesses; and

WHEREAS, Craig F. Romero, Executive Director, would like to request a Legal Opinion from the State of Louisiana Attorney General's Office regarding Clearing Trees within a Publicly Recorded Right-of-Way.

NOW, THEREFORE, BE IT RESOLVED, that the Port of Iberia District Board of Commissioners does hereby approve and authorize Craig F. Romero, Executive Director, to request a Legal Opinion from the State of Louisiana Attorney General's Office regarding Clearing Trees within a publicly recorded Right-of-Way.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be forwarded to Attorney General Jeff Landry, LA Department of Justice, Civil Division, Baton Rouge, LA. **This motion having been submitted to a vote, the vote thereon was as follows:**

Yeas: Roy A. Pontiff, Elbridge "Smitty" Smith, III, Mark Dore', Danny J. David, Sr., Larry G. Rader, and Gene L. Jefferies

Nays: None.

Absent at Voting: Simieon d. Theodile.

And the Resolution was therefore adopted on this the 31st day of May, 2018.

II. UPDATE ON THE PORT OF IBERIA DISTRICT AND GOLDMAN SACHS REGARDING THE PURCHASE OF APPROXIMATELY 106.72 ACRES OF AVAILABLE PROPERTY LOCATED AT 6005 PORT ROAD (FORMER DYNAMIC INDUSTRIES WEST YARD SITE).

(a) Discuss/Consider Cost Estimates Received from Appraisers.

Executive Director Craig Romero reported that about a month ago, in talking with Mr. Randall Withers, LA DOTD, he informed Mr. Craig Romero that the Port would need to get an update on the former Dynamic West Yard appraisal on the property. Since that time, Mr. Craig Romero has spoken to the original appraiser, Mr. John Foti, and he gave Mr. Craig Romero recommendations. Two (2) of which have submitted proposals and the third he is waiting for. Mr. Craig Romero stated that the proposals he is receiving to update the appraisal are costing more than the original appraisal that was done 2 (two) years ago. The original appraisal only cost the Port a little over \$5,000 and the quotes he is receiving are \$6,900 and \$7,100. Mr. Craig Romero called Mr. Randall Withers again to ask if the Port would be able to use the Two (2) year old appraisal. Mr. Randall Withers stated that if the Port could just write him a letter explaining that the quote for the reappraisals are over and above what the original appraisal cost, then he will let the Port use the Two (2) year old appraisal. Mr. Craig Romero stated that the Port will use the Two (2) year old appraisal and get the process going.


Mr. Craig Romero also stated that a guy from Custom Compressions questioned him regarding the former Dynamic Property. He is interested in possibly leasing the largest building on the property. He requested lease rates for the building and property.

III. ADJOURNMENT.

On a motion made by Commissioner Mark Dore', and seconded by Commissioner Elbridge "Smitty" Smith, III, the meeting was adjourned at 5:51 p.m.



SECRETARY-TREASURER



PRESIDENT